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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Interconnection and Resale Obligations
Pertaining to
Commercial Mobile Radio Service

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CC Docket No. 94-54

To: The Commission

COMMENTS

Dated: January 5, 1998

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COMMENTS

Mobex Communications, Inc. ("Mobex"), pursuant to Section 1.415(d) of the Rules and Regulations of the Federal Communications Commission ("FCC or Commission"), hereby respectfully submits its Comments in response to the Commission's Public Notice released on December 5, 1997 in the above-captioned matter. These Comments respond to the Commission's invitation for further information concerning the proposed provision of automatic roaming services by "covered" SMR entities.

I. BACKGROUND

1. Mobex is a provider of primarily dispatch service utilizing SMR and other authorizations granted by the Commission. Mobex serves customers who are located in more than one dozen states.

2. Along with its site-specific SMR licenses, Mobex holds both geographic area (e.g., auction) licenses and extended implementation licenses. Although most of its customers utilize only dispatch service, a small but important segment of this customer base desire the ability to interconnect to the Public Switched Telephone Network (“PSTN”). Therefore, Mobex is keenly interested in the outcome of the Commission proceedings that determine the burdens which will be imposed upon local, primarily-dispatch operators such as Mobex.

3. The FCC imposes certain requirements upon covered SMR providers which it does not impose upon other SMR providers. One of these requirements, Emergency 911 service, was recently revised by the Commission so that the definition of covered SMR providers excludes SMR carriers whose equipment is not technically capable of meeting those requirements. Memorandum Opinion and Order (“MO&O”), CC Docket No. 94-102 (released December 23, 1997) at ¶ 76. However, the former

definition of covered continues to apply to the other four requirements which pertain to covered SMR providers, namely: (1) RF radiation requirements; (2) resale agreements; (3) number portability; and (4) roaming. This original definition includes all those providers who are interconnected to the PSTN and offer for-profit service utilizing either auction licenses or extended implementation licenses.

4. Thus, in the case of roaming requirements, the FCC's "old definition" of covered SMR providers also remains intact. This means that, since October 26, 1996, covered SMR providers have been required to support manual roaming. Manual roaming occurs when an individual roamer whose handset is technically capable of accessing a network is allowed entry to that network, normally by dialing a credit card number.

5. In 1996, the FCC issued a Third Notice of Proposed Rule Making in the roaming proceeding, in which the Commission asked for comment on whether to also require automatic roaming. Automatic roaming occurs when a subscriber simply activates the handset. The FCC proposed that carriers be required to enter into roaming agreements with one another to permit such automatic roaming.

6. On December 5, 1997, the FCC issued a Public Notice addressing this roaming proposal. The Public Notice indicates that the Commission is still reviewing its proposal to impose an automatic roaming requirement. In particular, the FCC now invites further comment on whether or not automatic roaming is technically feasible and whether the cost of implementing such roaming requirements would be prohibitive. The FCC also asks for additional information concerning the consistency of automatic roaming proposals vis-a-vis the FCC's number portability requirements.

II. COMMENTS

7. In its MO&O in the E-911 proceeding, the Commission recognized that "a distinction was warranted between SMR providers that will compete directly with cellular and PCS providers, and SMR providers that offer mainly dispatch services in a localized non-cellular system configuration." MO&O at ¶ 75. Mobex urges the Commission to revise the covered SMR definition in this and all other proceedings so that it uniformly reflects the definition adopted in the E-911 proceeding. In this way, SMR operators like Mobex who are primarily dispatch service providers could interconnect their facilities to the PSTN without the onerous burden of attempting to meet technical requirements which their systems are not designed to satisfy. Most notably, automatic roaming is not attainable utilizing Mobex's current SMR equipment and system configuration.

8. As the Commission noted in its E-911 proceeding, “interconnected SMR users or dispatch systems are often not assigned individual telephone numbers and must share phone lines with other customers”. MO&O at ¶ 77. This configuration renders automatic roaming an impossible task for traditional SMR operators. The Commission also observed that routing of calls is “complicated by the fact that most dispatch-oriented systems use single, high power sites”. MO&O at ¶ 77. This means that, unlike in a cellular configuration, a normal SMR environment would not be conducive to the routing functions necessary to achieve the FCC’s proposed automatic roaming mandates.

9. Mobex urges the FCC to narrow the definition of covered SMR providers so that it includes only those systems that will directly compete with cellular and PCS in providing comparable public mobile interconnected service. In its Second Report and Order and Third Notice of Proposed Rulemaking (“Order”), CC Docket No. 94-54 (released August 15, 1996), the Commission observed that “because they do not compete substantially with cellular and broadband PCS providers, local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration. . . are not covered by the roaming rule we adopt today.” Order at 14. Nonetheless, the FCC’s covered SMR definition does include these providers which the FCC meant to exclude from the roaming rule. Thus, the FCC should act to rectify this situation by applying its roaming rules, and all other

covered SMR requirements, only to those SMR providers who are capable of competing directly against cellular and PCS providers.

10. As the Commission observed in its E-911 MO&O, only those SMR providers that have systems with in-network switching capabilities which permit seamless call hand-offs can compete directly against cellular and PCS providers. MO&O at ¶ 78. Mobex urges the FCC to limit all covered SMR requirements to that narrow class of SMR operators, rather than impose onerous mandates on SMR providers with traditional SMR system configurations.

WHEREFORE, THE PREMISES CONSIDERED, Mobex Communications, Inc. respectfully requests the Federal Communications Commission to revise its definition of covered SMR providers so that it is consistent with the standard recently adopted by the FCC in its E-911 proceeding.

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By: 

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Dated: January 5, 1998

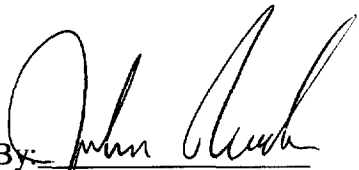
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing COMMENTS was served this 5th day
of January, 1998 by hand delivery to:

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